



PUBLIC NOTICE

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**Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554**

**DA 02-1134
May 10, 2002**

**COMMENTS INVITED ON ONTERA, INC. D/B/A ONTERA BROADBAND
APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES**

Comp. Pol. File No. W-P-D-577

Comments Due: May 24, 2002

Section 214 Application

Applicant: Ontera, Inc. d/b/a Ontera Broadband

On April 8, 2002, Ontera, Inc. d/b/a Ontera Broadband (Applicant or Ontera), located at One Park Avenue, New York, NY 10016, filed an application with the Federal Communications Commission (FCC or Commission), requesting authority under section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue its domestic telecommunications services.

The application indicates that OnTera, formerly known as DualStar Communications, Inc., is a building-centric competitive local exchange carrier (CLEC) providing telecommunications services to various residential buildings in the New York City metro area, and, to a lesser extent, in Southern California.

The application states that OnTera, Inc. seeks authority to discontinue only voice telephone service, to customers in ten (10) specific buildings all located in the New York City:

515Park Avenue New York, NY	City Lights 4-74 48 th Avenue Long Island City, NY	New Gotham 520 West 43 St. New York, NY	The Grand Millenium 1965 Broadway NY, NY	400 West 59 th St. New York, NY
Queens Way 58-12	Trump Word Tower	Tompkins Square	Westbury House 160	The Greenwich

Queens Blvd Queens, NY	845 United Nations Plaza NY, NY	Plaza 190 East 7 th St. NY NY	West 86 St. NY, NY	65 West 13St. NY, NY
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The application also states notification of discontinuance was sent to each affected customer by U.S. Mail, postage pre-paid on April 8, 2002, and that said notice contained the language required by Commission rules.¹

In accordance with 47 C.F.R. § 63.71(c), the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Applicant that the grant will not be automatically effective. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission's *ex parte* rules.² Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **May 24, 2002**. Such comments should refer to **Comp. Pol. File No. WPD-577**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. The original and four (4) copies of the comments should be sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6-A207, Washington, DC 20554, Attention: Carmell Weathers. In addition, Comments should be served upon Applicant. Commenters are also requested to fax their comments to Carmell Weathers at (202) 418-2345, .

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room

¹ See 47 C.F.R. 63.71(a)(5)(i).

² See generally 47 C.F.R. §§ 1.1200 - 1.1216.

CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at **qualexint@aol.com**.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), cweather@fcc.gov, Jon Minkoff (202) 418-2353 (voice), jminkoff@fcc.gov, or Pam Arluk (202) 418-1471, parluk@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud

-FEDERAL COMMUNICATIONS COMMISSION-